

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ALVION PROPERTIES, INC., SHIRLEY)
K. MEDLEY, and HAROLD M.)
REYNOLDS,)
)
Plaintiffs,)
)
v.) NO. 3:08-0866
) Judge Sharp/Bryant
BERND H. WEBER, RAYMONDE WEBER,)
CLAUDE J. CHAUVEAU, AMERICAN)
GULF FINANCE CORP., ALVION)
PARTNERS, LLC, AGF REALTY)
SOLUTIONS, INC., TIMEDATA)
HOLDINGS, LLC,)
)
Defendants.)
)
BERND H. WEBER, CLAUDE J.)
CHAUVEAU,)
)
Counter-Claimants,)
)
Harold M. Reynolds, Shirley K.)
Medley, Donald M. Medley,)
Farmers State Bank Of Alto Pass,)
Brad Henshaw, Allain de la)
Motte, Elizabeth Melland,)
Robert M. West, Melland Group,)
LLC,)
Counter-Defendants.)

O R D E R

Third-party defendants Robert M. West and Allain de la Motte have filed their "Motion for Reconsideration of Their Motion for Summary Dismissal" (Docket Entry No. 642). This motion is currently before the Court on the undersigned Magistrate Judge's report and recommendation addressed to the District Judge (Docket Entry No. 632).

It is unclear to the undersigned whether third-party

defendants West and de la Motte intend for their "Motion for Reconsideration" to be addressed to the undersigned as a request to modify the report and recommendation, or, alternatively, whether they wish their motion to be considered as an objection to the report and recommendation pursuant to Rule 72(b)(2) of the Federal Rules of Civil Procedure.

To the extent that these parties intend this motion to be one seeking reconsideration by the undersigned Magistrate Judge of the pending report and recommendation, the motion is DENIED. If these parties have meritorious defenses that they now seek to raise by an untimely dispositive motion, they may raise such defenses at the trial of this case.

The ruling in this order is limited to a request by these parties to "reconsider" the pending report and recommendation. If these parties intend their motion to be an objection to the report and recommendation, such objection must be resolved by the District Judge, as provided in Rule 72(b)(3).

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge